

REMARKS

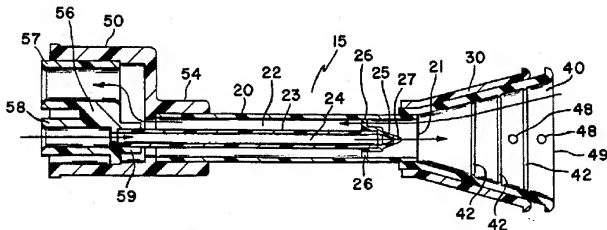
Claims 31, 32, 34-50 and 99-102, Claim 31 having been amended remain pending in the present application.

In response to the Office Action mailed July 8, 2008, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

Olson Does Not Make Claims 31-32, 34-47, and 99-102 Obvious

Claims 32-32, 34-47, and 99-102 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 4,692,140, issued to Olson. Applicant respectfully traverses the present rejection.

The Olson reference discloses a lavage/suction tip device with a splash shield, formed of two **nesting cones** 30, 40, as shown in the reproduction of Figure 3 below. However, nothing in the Olson reference teaches or suggests adding a **flexible sheet** to the device 15. Additionally,



Applicant submits that the broadest reasonable interpretation of the claim term “flexible sheet” cannot possibly include a set of cones that, by their stiffness, mate with each other, such as the cones 30, 40 of the Olson reference.

In contrast, Claim 31 recites, among other recitations, “a flexible sheet having an aperture configured to engage an irrigation device.”

Similarly, Claim 49 recites, among other recitations, “a flexible sheet having an aperture configured to engage an irrigation device.”

Appl. No. : 10/776,309
Filed : February 11, 2004

Finally, Claim 99 recites, among other recitations, “a flexible sheet having an elastically enlargeable aperture configured to fit over and releasably engage a head of an irrigation device .”

As noted above, the Olson reference fails to teach a flexible sheet having an aperture configured to fit over a conical splash shield of an irrigation device.

Further, Applicant would like to point out that the Olson reference does not teach or suggest a kit having a cover forming a seal for maintaining the basin and splash shield in a sterilized state.

In contrast, Claim 31 now recites, among other recitations, “a cover providing a seal over the kit so as to keep the flexible sheet and basin in a sterilized state.”

This distinction is important because by stocking both a basin and a flexible shield together in a kit, a hospital can easily stock these devices together, in a stacked configuration. As such, an operation requiring the irrigation of a large open wound, such as many forms of orthopedic surgery, can be prepared for more quickly, thereby reducing the time required to prepare and thus the costs associated with such an operation.

Olson fails to teach or suggest such a kit.

Thus, Applicant submits that Claims 31, 49, and 99 clearly and nonobviously define over the Olson reference. Additionally, Applicant submits that Claims 32, 35-47, and 100-102 also define over the Olson reference, not only because they depend from one of Claims 31, 49, or 99, but also on their own merit.

The Proposed Combination of Olson/Holloway et al. Does Not Make Claims 48-50 Obvious

Claims 48-50 stand rejected under 35 U.S.C. § 103(a) as being obvious over Olson (discussed above) in view of U.S. Patent No. 5,381,562, issued to Holloway et al. Applicant respectfully traverses the present rejection.

However, as noted above, Applicant submits that Claims 31 and 49 clearly and non-obviously defines over the Olson reference, at least because Olson does not disclose a flexible sheet, as noted above. Holloway et al. does not rectify this failure. Thus, Applicant submits that Claim 49 clearly and non-obviously defines over the proposed combination of Olson and Holloway et al. Additionally, Applicant submits that Claims 48 and 50 also define over the cited reference, not only because they depend from one of Claims 31 or 49, but also on their own merit.

Appl. No. : 10/776,309
Filed : February 11, 2004

SUMMARY

The undersigned has made a good faith effort to respond to all of the rejections and objections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: January 8, 2009

By: /Michael Guiliana/

Michael A. Guiliana
Registration No. 42,611
Attorney of Record
2040 Main St.
Fourteenth Floor
Irvine, CA 92614
Customer No. 20,995
(949) 760-0404

6453517_1
010809